

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS  
MONTGOMERY COUNTY, MARYLAND  
100 Maryland Avenue, Room 200  
Rockville, Maryland, 20850  
(240) 777-6660  
{Form Revised 10-7-14}

OZAH No. CU-\_\_\_\_\_  
Date Certified Complete \_\_\_\_\_  
Date Filed \_\_\_\_\_  
Hearing Date \_\_\_\_\_  
Time \_\_\_\_\_

APPLICATION FOR ATTACHED OR DETACHED ACCESSORY APARTMENT  
CONDITIONAL USE

**(Please note instructions on reverse side. Application cannot be processed unless all information is submitted)**

Application is hereby made for a conditional use to allow an attached or detached accessory apartment in accordance with the 2014 Zoning Ordinance §59-3.3.3.

Applicant(s): \_\_\_\_\_

First Name

Middle Initial

Last Name

Address: \_\_\_\_\_

Street

City & Zip Code

Telephone No.

\_\_\_\_\_  
E-mail Address

Proposed Use (Check one):

( ) Attached Accessory Apartment

( ) Detached Accessory Apartment

Description of Property for Proposed Use:

Address: \_\_\_\_\_

Lot: \_\_\_\_\_ and Block: \_\_\_\_\_, Parcel No.: \_\_\_\_\_ or other description \_\_\_\_\_  
\_\_\_\_\_

Size of Property: (In acreage or square feet) \_\_\_\_\_ Current Zoning: \_\_\_\_\_

Number of Off-Street Parking Spaces: \_\_\_\_\_ Public water/sewer? Yes ☐ No ☐

Municipality (If applicable): \_\_\_\_\_ Subdivision: \_\_\_\_\_

Applicant's Present Legal Interest in Subject Property (Check one):

☐ Owner ☐ Other (describe) \_\_\_\_\_

Owner of Property (If not Applicant):

Name \_\_\_\_\_ Address \_\_\_\_\_ Zip Code \_\_\_\_\_

Has any previous Application involving this property been made to this office, or to the Board of Appeals, by this Applicant, or by anyone else to this Applicant's knowledge? \_\_\_\_\_ If so, give Case Number(s): \_\_\_\_\_

I have read the instructions on the reverse side of this form, and am filing herewith all of the required accompanying information. I hereby affirm that all of the statements and information contained in or filed with this Application are true and correct.

\_\_\_\_\_  
Signature of Attorney - *(Please print next to signature)*

\_\_\_\_\_  
Signature of Applicant(s) - *(Please print next to signature)*

\_\_\_\_\_  
Address of Attorney

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
E-mail Address

(OVER)

## INSTRUCTIONS FOR FILING APPLICATION FOR ACCESSORY APARTMENT CONDITIONAL USE

1. Applicant must submit four sets of its application and documents to the Montgomery County Planning Department, at 8787 Georgia Avenue, Silver Spring, (301) 495-4610, for its assessment and certification of completeness. *Twenty-five percent of the filing fee approved by the District Council must be paid directly to the Planning Department when the application is submitted for verification of completeness.* Presently, that fee is \$300.00. Payment of the remaining 75% of the filing fee and the entire sign fee approved by the District Council must be included with the application when it is filed with OZAH. Checks or money orders for fees paid to OZAH should be made payable to Montgomery County, Maryland. Cash cannot be accepted. No application will be accepted by the office unless it contains all pertinent information and is accompanied by the required filing fee and sign fee deposit of \$200.00. \$100.00 will be refunded to the applicant when the sign is returned following the Hearing Examiner's decision.
2. Address correspondence to: Office of Zoning and Administrative Hearings, 100 Maryland Avenue, Room 200, Rockville, Maryland, 20850 (Telephone number: 240-777-6660)
3. Conditional use applications require that an OZAH sign be posted on the property within five (5) days after the application is accepted by the office.

### DATA TO ACCOMPANY APPLICATION FOR CONDITIONAL USE

#### (Section 59-7.3.1.B.2, Montgomery County Code 2014)

Each Application for Conditional Use must be accompanied at the time of its filing by the following:

1. Completed Application and Fees as approved by the Council;
2. Proof of ownership or authorization to proceed (If the applicant is not the owner of the property involved, the lease, rental agreement, contract to purchase, or written authorization to proceed);
3. Statement of how the proposed development satisfies the criteria to grant the application. These criteria include the requirements spelled out in Section 7.3.1.E and Articles 59-3 and 6 of the 2014 Zoning Ordinance, as well as a showing of consistency with the applicable Master Plan and an explanation of how the proposed development is consistent with the requirements of any other approval affecting the property. The Applicant's Statement should also contain a summary of what the applicant expects to prove, including the names of applicant's witnesses, summaries of the testimonies of expert witnesses, and the estimated time required for presentation of the applicant's case;
4. Certified copy of official zoning vicinity map showing the area within at least 1,000 feet surrounding the subject property;
5. List of the owners of all properties adjoining and confronting the subject property listed in the records of the Maryland State Department of Assessments and Taxation. If an adjoining or confronting property is a condominium, the applicant must provide the name and address of the Council of Unit Owners;
6. List of any civic and homeowners associations within a 1/2 mile of the subject site;
7. Traffic Statement or Study, accepted for review by the Planning Director;
8. Map showing existing buildings, structures, circulation routes, significant natural features, historic resources, zoning, and legal descriptions on the proposed development site and within 500 feet of the perimeter boundary;
9. Existing and proposed dry and wet utility plan if changes to these facilities are proposed;
10. Written description of operational features of the proposed use, including hours of operation, number of anticipated employees, occupants and clientele, equipment involved, and any special conditions or limits which the applicant proposes;
11. If exterior changes are proposed, plans of the proposed development showing:
  - i. footprints, ground-floor layout, and heights of all buildings and structures;
  - ii. required open spaces and recreational amenities;
  - iii. layout of all sidewalks, trails, paths, roadways, parking, loading, and bicycle storage areas;
  - iv. rough grading;
  - v. landscaping and lighting;
  - vi. approved Natural Resources Inventory/Forest Stand Delineation, if required under Chapter 22A;
  - vii. Forest Conservation Plan application, if required under Chapter 22A, or an approved preliminary forest conservation plan;
  - viii. Stormwater Management Concept or Water Quality Plan application, if required under Chapter 19 ; and
  - ix. supplementary documentation showing or describing how the application satisfies previous approvals and applicable requirements.
12. Development program and inspection schedule detailing any construction phasing for the project;
13. All additional exhibits which the applicant intends to introduce; and
14. In addition to paper copies, applicants must submit, with their applications, electronic copies on a compact disc or DVD of all the materials required above. Paper copies and electronic copies must also be submitted of any changes in these materials at least 10 days prior to the hearing. Electronic copies must be submitted in Microsoft WORD format for text documents, and in PDF format for plans, photos and other non-text documents.

### IMPORTANT

It is suggested that Applicant, before preparing the petition, read carefully Sections 59-3.3.3 and Chapter 59-7 of the 2014 Zoning Ordinance. Approval of a conditional use is separate from Homeowner Association (HOA), Co-op Association and Condominium agreements and covenants, which may prohibit accessory apartments. Homeowners should consult their HOA, Condominium or Co-op documents. The Office of Zoning and Administrative Hearings cannot enforce HOA, Condominium or Co-op covenants, which are private contractual agreements.

**OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS FOR MONTGOMERY**

**COUNTY**

**LIST OF ADJOINING AND CONFRONTING PROPERTY OWNERS**  
**(Please see information on reverse side)**

<b>NAME</b>	<b>ADDRESS</b> <b>(Please add Zip Code)</b>	<b>LOT/PARCEL</b>	<b>BLOCK</b>

**REGARDING NOTICE OF PUBLIC HEARINGS BEFORE  
THE OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS FOR MONTGOMERY  
COUNTY**

Section 59-7.5.2.E of the 2014 Zoning Ordinance, requires that notice of public hearing be mailed to "... all abutting and confronting property owners, civic and homeowners associations within ½ mile, any municipality within ½ mile, and pre-submittal meeting attendees if applicable. A condominium's council of unit owners may be notified instead of the owner and residents of each individual condominium."

It is the responsibility of applicant(s) to supply the names and addresses of all such owners as shown on the current State Department of Assessment and Taxation records, and to list those persons on the reverse side of this form. The tax office is located at 30 West Gude Drive, Suite 400, Rockville, MD, 20850, Phone: 240-314-4510.

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**Instructions for Identifying Adjoining and Confronting Property Owners**

**Website for the Maryland State Department of Assessment and Taxation**

[www.dat.state.md.us](http://www.dat.state.md.us)  
(Phone: 240-314-4510)

**Real Property Data Search**

**(3) Select Montgomery County**

**(4) Select Street Address**

- **Enter Street Name**
- **Click on the SEARCH button.**
- **Review property addresses for those that share a common boundary and any property that faces your lot.**

## APPLICATION

## Forest Conservation Law Applicability for Special Exceptions

## PROPERTY LOCATION

Street Address: \_\_\_\_\_

Subdivision: \_\_\_\_\_ Parcel(s) # \_\_\_\_\_ Lot #(s): \_\_\_\_\_ Block(s): \_\_\_\_\_

Property Tax Identification Number: \_\_\_\_\_ , \_\_\_\_\_ , \_\_\_\_\_

## Applicant (Owner or Contract Purchaser):

Name \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

Total Area of Property: \_\_\_\_\_ acres \_\_\_\_\_ square feet

## APPLICANT ATTESTS THAT THE FOLLOWING STATEMENTS APPLY TO THE SUBJECT SPECIAL EXCEPTION APPLICATION

Applicant attests that the following statements apply to the subject special exception:

- The application does not propose any clearing or grading activities on or near the special exception site.

OR, all of the following:

- The application applies to a property of less than 40,000 square feet.
- The property is not subject to a previously approved Forest Conservation Plan.
- The special exception proposal will not impact any champion tree as defined by the Montgomery County Forestry Board.

Signature of applicant (Owner or Contract Purchaser): \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

## FOR STAFF USE ONLY

M-NCPPC acknowledges that the special exception for the above property:

☐ is not subject to the Forest Conservation Law as defined in Chapter 22A of the Montgomery County Code☐ is exempt from the Forest Conservation Plan requirements under Section 22A-5 (q)(1) of the Forest Conservation Law

Signature of M-NCPPC Environmental Planning staff reviewer:

Signature \_\_\_\_\_

Date \_\_\_\_\_

## **ACCESSORY APARTMENT QUESTION/FACT SHEET**

**DO NOT RETURN THIS FORM WITH THE APPLICATION**  
**THIS FORM SHOULD BE USED TO SUPPLY THE INFORMATION REQUIRED**  
**IN THE ACCESSORY APARTMENT APPLICATION**

Case No. \_\_\_\_\_

1. When was the house built? \_\_\_\_\_
2. What is the square footage of the lot? \_\_\_\_\_
3. What is the square footage of the accessory apartment? \_\_\_\_\_
4. How long have you owned the property? \_\_\_\_\_
5. How long has the apartment been in existence? \_\_\_\_\_
6. Do you plan any exterior modifications? \_\_\_\_\_
7. Does the apartment have a separate entrance? \_\_\_\_\_
8. Does the apartment have the same address as the house? \_\_\_\_\_
9. Parking: How many off-street parking spaces are available? \_\_\_\_\_
10. Where in the house is the apartment located? \_\_\_\_\_  
Please provide a sketch of the apartment layout? \_\_\_\_\_ Please mark the orientation toward  
nearest street and the dimensions of the rooms.
11. Is the house served by public water, sewer, or a private well or septic system? \_\_\_\_\_
12. Are you willing to correct the deficiencies discovered by the inspection of your property?  
\_\_\_\_\_
13. Is there any other rental residential use (*e.g.*, guest room for rent, boarding house or registered  
living unit) in your home? \_\_\_\_\_
14. Are there other accessory apartments within 300 feet of any property line? \_\_\_\_\_
15. If the answer to the previous question is yes, please list the other accessory apartments by  
address and by approximate distance from your property.

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{CASE CAPTION}

### **AFFIDAVIT OF POSTING**

I HEREBY CERTIFY that I placed or caused to be placed upon the property which is the subject of Conditional use Application No. \_\_\_\_\_ the sign furnished by the Office of Zoning and Administrative Hearings, that the sign was posted within five (5) days after acceptance for filing of said application within ten feet of the property line in the most conspicuous location, and that the sign has been continuously maintained to the date of hearing.

I understand that the sign is to be maintained in the same position until after the Hearing Examiner has rendered a decision and the time for filing a request for oral argument with the Board of Appeals has expired. If a request for oral argument is filed with the Board of Appeals, the sign must remain posted until 30 days after the Board issues its resolution on said application. The sign is to be returned to the OZAH within five days thereafter.

\_\_\_\_\_  
APPLICANT

Subscribed and sworn to before me, a Notary Public for Montgomery County, Maryland, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**NOTARY PUBLIC**

My Commission Expires: \_\_\_\_\_